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8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2007-162

13 **JENNIFER GOSS HABERMAN**

400 Fisher Drive
14 Folsom, California 95630

**DEFAULT DECISION
AND ORDER**

15 Registered Nurse License No. 529012

[Gov. Code, §11520]

16 Respondent.
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18 **FINDINGS OF FACT**

19 1. On or about December 19, 2006, Complainant Ruth Ann Terry, M.P.H.,
20 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs, filed Accusation No. 2007-162 against Jennifer Goss
22 Haberman ("Respondent") before the Board of Registered Nursing.

23 2. On or about January 13, 1997, the Board of Registered Nursing ("Board")
24 issued Registered Nurse License No. 529012 to Respondent. The registered nurse license
25 expired on May 31, 2002, and has not been renewed.

26 3. On or about January 12, 2007, Araceli Mercado, an employee of the
27 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
28 2007-162, Statement to Respondent, Notice of Defense, Request for Discovery, and Government

1 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
2 which was and is 400 Fisher Drive, Folsom, California 95630. A copy of the Accusation, the
3 related documents, and Declaration of Service are attached as **exhibit A**, and are incorporated
4 herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 5. On or about January 18, 2007, the aforementioned documents were
8 returned by the U.S. Postal Service marked "No Forwarding Address." A copy of the envelope
9 returned by the post office is attached hereto as **exhibit B**, and is incorporated herein by
10 reference.

11 6. Business and Professions Code section 118 states, in pertinent part:

12 (b) The suspension, expiration, or forfeiture by operation of law of a
13 license issued by a board in the department, or its suspension, forfeiture, or
14 cancellation by order of the board or by order of a court of law, or its surrender
15 without the written consent of the board, shall not, during any period in which it
16 may be renewed, restored, reissued, or reinstated, deprive the board of its
authority to institute or continue a disciplinary proceeding against the licensee
upon any ground provided by law or to enter an order suspending or revoking the
license or otherwise taking disciplinary action against the license on any such
ground.

17 7. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts of
20 the accusation not expressly admitted. Failure to file a notice of defense shall constitute a
waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless
grant a hearing.

21 8. Respondent failed to file a Notice of Defense within 15 days after service
22 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
23 Accusation No. 2007-162.

24 9. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at
26 the hearing, the agency may take action based upon the respondent's express
admissions or upon other evidence and affidavits may be used as evidence without
any notice to respondent.

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10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in **exhibits A and B**, finds that the allegations in Accusation No. 2007-162 are true.

11. The total costs for investigation and enforcement are \$528.50 as of July 16, 2007.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jennifer Goss Haberman has subjected her Registered Nurse License No. 529012 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's registered nurse license based upon violations of Business and Professions Code section 2761, subdivision (a)(4) (out-of-state discipline), as alleged in Accusation No. 2007-162.

ORDER

IT IS SO ORDERED that Registered Nurse License No. 529012, heretofore issued to Respondent Jennifer Goss Haberman is revoked.

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1 Pursuant to Government Code section 11520, subdivision (c), Respondent may
2 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
3 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
4 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
5 statute.

6 This Decision shall become effective on November 2, 2007.

7 It is so ORDERED October 2, 2007

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9 *LaTranene White*

10 FOR THE BOARD OF REGISTERED NURSING
11 DEPARTMENT OF CONSUMER AFFAIRS
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25 Attachments:

26 Exhibit A: Accusation No.2007-162, Related Documents, and Declaration of Service
27 Exhibit B: Copy of Envelope Returned by Post Office

28 DOJ docket number:03579110SA2006100884

Haberman.Def.wpd

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10 **BOARD OF REGISTERED NURSING**
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12 In the Matter of the Accusation Against:

Case No. 2007-162

13 **JENNIFER GOSS HABERMAN**
400 Fisher Drive
14 Folsom, California 95630

ACCUSATION

15 Registered Nurse License No. 529012

16 Respondent.
17

18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about January 13, 1997, the Board of Registered Nursing issued
24 Registered Nurse License Number 529012 to Jennifer Goss Haberman (Respondent). The
25 Registered Nurse License expired on May 31, 2002, and has not been renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
2 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under section
6 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
7 the expiration.

8 5. Code section 2761, states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed nurse
10 or deny an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct, which includes, but is not limited to, the
12 following:

13 (4) Denial of licensure, revocation, suspension, restriction, or any other
14 disciplinary action against a health care professional license or certificate by
15 another state or territory of the United States, by any other government agency, or
16 by another California health care professional licensing board. A certified copy of
17 the decision or judgment shall be conclusive evidence of that action.

18 COST RECOVERY

19 6. Code section 125.3 provides, in pertinent part, that the Board may request
20 the administrative law judge to direct a licensee found to have committed a violation or
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
22 and enforcement of the case.

23 CAUSE FOR DISCIPLINE

24 (Out-of-State Discipline)

25 7. Respondent's license is subject to disciplinary action under Code section
26 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent has been
27 disciplined by the North Carolina Board of Nursing (hereafter "North Carolina Board").
28 Pursuant to a letter, dated January 28, 2005, addressed to Respondent from the North Carolina
Board, and mailed to Respondent by certified mail, Respondent's North Carolina registered
nursing license was suspended for an indefinite period of time. A copy of the letter is attached
hereto as **Exhibit "A"** and incorporated herein by reference. Said discipline is based on a

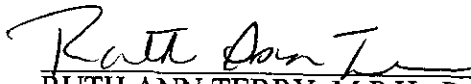
1 telephone call from Respondent to the North Carolina Board in which Respondent related that
2 she had relapsed by taking Percocet, Vicodin, Lortab, oxycontin, hydrocodone, and Stadol.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Revoking or suspending Registered Nurse License Number 529012, issued
7 to Jennifer Goss Haberman;
- 8 2. Ordering Jennifer Goss Haberman to pay the Board of Registered Nursing
9 the reasonable costs of the investigation and enforcement of this case, pursuant to Code section
10 125.3; and,
- 11 3. Taking such other and further action as deemed necessary and proper.

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13 DATED: 12/12/06

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16 
17 RUTH ANN TERRY, M.P.H., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant
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